Drug", contained in a circular shipped with it, was false and misleading since it was a drug.

The tooth powder was falsely and fraudulently represented to be effective to preserve the gums.

The Health Broth was alleged to be misbranded further in that the statement on the label, "One level teaspoonful to each cup or bowl of any soup makes it 9 times more alkalinizing, neutralizing and nutritious than ordinary soup", was false and misleading since 1 teaspoonful of the article added to each cup or bowl of soup would not make it nine times more alkalinizing, neutralizing, or nutritious than ordinary soup.

On May 24, 1937, the defendant entered a plea of guilty and the court imposed a fine of $270.

H. A. WALLACE, *Secretary of Agriculture.*

27268. Adulteration and misbranding of ampuls of Thelestrin Ovarian Follicular Hormone. U. S. v. 2 Packages, 2 Packages, and 8 Packages, each containing six 1-cc Ampuls of Thelestrin Ovarian Follicular Hormone. Default decrees of forfeiture and destruction. (F. & D. nos. 38297, 38298. Sample nos. 7002–C, 7003–C.)

This product contained less than 75 international units of ovarian follicular hormone per cubic centimeter, which was less than 18 percent of the potency declared on the label.

On September 14 and September 21, 1936, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 packages, each containing six 1-cubic centimeter ampuls, of Thelestrin Ovarian Follicular Hormone at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 11, 1935, and January 14 and June 15, 1936, by the G. W. Carnrick Co., from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Thelestrin Ovarian Follicular Hormone, One C. C. size, each C. C. contains 400 international units", since each cubic centimeter of the article did not contain 400 international units, but did contain less than 75 international units of ovarian follicular hormone per cubic centimeter, which was less than 18 percent of the potency designated on the label.

The article was alleged to be misbranded in that the statement, "Thelestrin Ovarian Follicular Hormone * * * 1 c. c. size, each c. c. contains 400 international units", was false and misleading.

On May 17, 1937, the G. W. Carnrick Co., claimant, having failed to file an answer to the libel, default decrees of forfeiture and destruction were entered.

H. A. WALLACE, *Secretary of Agriculture.*

27269. Adulteration and misbranding of Digitex. U. S. v. The Drug Products Co., Inc. Plea of guilty. Fine, $300. (F. & D. no. 38611. Sample no. 8488–C.)

This drug had a potency of not more than two-thirds of that declared on the label.

On February 5, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Drug Products Co., Inc., Long Island City, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about July 3, 1936, from the State of New York into the State of New Jersey of a quantity of Digitex that was adulterated and misbranded. The article was labeled in part: "Digitex * * * A Stable, Buffered, Alcohol 78%, Glycerin Extract of Defatted Whole Leaf Digitalis of U. S. P. XI Strength of Tincture. Biologically Tested and Standardized by U. S. P. XI * * * The Drug Products Co. Long Island City, New York."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to have the strength of tincture of digitalis prescribed in the eleventh edition of the United States Pharmacopoeia and was represented to be biologically standardized by the methods for testing prescribed by said pharmacopoeia; whereas it did not have more than two-thirds of the strength of tincture of digitalis as determined by the methods for testing tincture of digitalis prescribed by the pharmacopoeia.